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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

KLOOSTERBOER INTERNATIONAL
FORWARDING LLC and ALASKA
REEFER MANAGEMENT LLC,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,
U.S. DEPARTMENT OF HOMELAND
SECURITY, U.S. CUSTOMS AND
BORDER PROTECTION, and TROY A.
MILLER, U.S. Customs and Border
Protection Acting Commissioner, in his
official capacity,

Defendants.

Case No.: 3:21-cv-____ (____)

DECLARATION OF FRANCIS O'HARA III

Pursuant to 28 U.S.C. § 1746, I, Francis O'Hara III, declare as follows:

1. My name is Francis O'Hara III and I am the Vice President of the O'Hara Corporation ("OHC"), which is a Maine-based family business that owns and operates five Alaska fishing/processing ships. I submit this declaration in support of Kloosterboer International Forwarding LLC ("KIF") and Alaska Reefer Management LLC's ("ARM") motion for a temporary restraining order and preliminary injunction. I have personal knowledge of the facts set forth herein.

2. OHC directly employs over 450 crew members for our fishing boats.

3. OHC is also a 50% owner of Eastern Fisheries, Inc. ("Eastern Fisheries"), a New Bedford, MA-based re-processor and distributor of seafood finished products. Eastern Fisheries receives seafood caught and frozen in Alaska on OHC's fishing vessels and re-processes it into fillets for consumption.

4. The demand in the United States for seafood caught and re-processed in the United States (as opposed to foreign-sourced or foreign-processed) has increased dramatically in the last 3 years. In part to help meet this demand, Eastern Fisheries recently opened a new factory in New Bedford, MA and employs hundreds of workers at that facility.

5. Because it is both harvested and processed within the United States, OHC and Eastern Fisheries can call their seafood "100% Made in the USA." In contrast, other methods of seafood production cannot claim that their product is entirely made in the

United States because their product is shipped overseas, where it is re-processed into fillets and then brought back to the United States for distribution.

6. OHC relies on the shipping, logistics, and storage services of KIF, ARM, and Kloosterboer Bayside (“KB”) to quickly transport its Alaskan raw material products to New Bedford, MA for re-processing.

7. Our fishing vessels in the Bering Sea catch, process, and freeze their product at sea. We understand that ARM then arranges for our products to be transported from the port in Dutch Harbor, Alaska via a foreign-flagged vessel to Bayside, New Brunswick, Canada. It is then transported on the Bayside Canadian Railway and by truck to Calais, Maine, and from there to our New Bedford, MA facility.

8. If the shipments currently in KB’s cold storage and currently on ARM trampers are not able to clear through to New Bedford, MA quickly, part of the Eastern Fisheries’ factory are at risk of ceasing operations due to a lack of raw material supply.

9. OHC needs to continue our operation now more than ever, so that we and Eastern Fisheries can together produce wild caught, low cost, Alaskan seafood for millions of Americans and avoid a shutdown of important parts of our business, a reduction in our workforce, and higher prices for consumers of our products.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

Dated: Rockland, ME
August 24, 2021



Francis O'Hara III